

N. 01619/2018 REG.PROV.COLL.

N. 01452/2017 REG.RIC.

REPUBLIC OF ITALY

The Council of State

(Fourth Chamber)

has released the following

JUDGMENT

on the appeal number 1452/2017 of the general register, brought by Onlus AssociazioneVerdi Ambiente e Società - V.A.S., [...];

Vs.

Port Authority of the Eastern Liguria Sea, [...];

Ministry of the Environment [...];

[...]

1. The non-profit association Associazione Verdi Ambiente e Società - V.A.S. (Verdi Environment and Society Association) lodged an appeal with the Regional Administrative Tribunal for Liguria against the decision of the Ministry of the Environment and Protection of Land and Sea dated 17 December 2015, whereby it was ordered to exclude from the environmental impact assessment procedure the project relating to the technical-functional adaptation of sphere '6 - Merchant Port', identified by the Port Development Plan for the Port of La Spezia and, at the same time, to carry out further checks on sphere '5 - Marina della Spezia'.

[Omissis]

16. The costs of the proceedings are allocated on a case-by-case basis and are settled as set out in the operative part of the decision, taking into account the parameters set out in Regulation no. 55 of 2014 and in article 26, paragraph 1, of the Code of Civil Procedure (see, most recently, Cons. Stato, section IV, 24 May 2016, no. 2200; Civil Cassation, section VI, 2 November 2016, no. 22150).

ORIGINAL VERSION

16. Le spese del grado seguono la soccombenza e sono liquidate come in dispositivo, tenuto conto dei parametri di cui al regolamento n. 55 del 2014 e di cui all'art. 26, comma 1, c.p.a. ricorrendone nella specie i presupposti applicativi (cfr. da ultimo Cons. Stato, Sez. IV, 24 maggio 2016, n. 2200; Cass. civ., Sez. VI, 2 novembre 2016, n. 22150).

The Council of State, definitively ruling on the appeal, as above proposed, dismisses the appeal. It condemns Onlus Associazione Verdi Ambiente e Società - V.A.S. to bear the costs of the appeal, assessed as € 4,000.00 in favour of each winning party (1. Port System Authority of the Eastern Ligurian Sea, formerly Port Authority of La Spezia; 2. Ministry of the Environment and Defence of the Land and Sea; 3. La Spezia Container Terminal s.p.a.), for a total amount of € 12,000.00, plus additional legal costs where due.